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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,810	12/30/2003	Jason Yan	370.7980USU	7177

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,810

Applicant(s)

YAN, JASON

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

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reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kilström et al..

Kilström et al. discloses a casing having a bottom wall (fig. 5, #11,22).

Kilström et al. discloses a duct disposed in the casing and having a vacuum inlet (fig. 5, #23).

Kilström et al. discloses an impeller disposed in the casing and downstream of the vacuum inlet (fig. 5, #33).

Kilström et al. discloses an intake nozzle disposed upstream of the inlet and having a lower end for trailing on a floor that is moveable between upper and lower positions (fig. 6, #47, col. 3, lines 29-50 and col. 4, lines 8-10).

Kilström et al. discloses an anchoring member (fig. 6, #48).

With respect to claim 2, Kilström et al. discloses the upper end slidably received on the vacuum inlet (fig. 5, #23,47).

5. Claims 1-2 and 8 are rejected under 35 U.S.C. 102(a,e) as being clearly anticipated by Dyson et al..

Dyson et al. discloses a casing having a bottom wall (figs. 1-2, #12).

Dyson et al. discloses a duct disposed in the casing and having a vacuum inlet (fig. 6a, #59).

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Dyson et al. discloses an impeller disposed in the casing and downstream of the vacuum inlet (fig. 3, #50).

Dyson et al. discloses an intake nozzle disposed upstream of the inlet and having a lower end for trailing on a floor that is moveable between upper and lower positions (fig. 5, #22, col. 3, lines 42-50).

Dyson et al. discloses an anchoring member (fig. 5, #90).

With respect to claim 2, Dyson et al. discloses the upper end slidably received on the vacuum inlet (fig. 5a, #32,59).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kilström et al..

Kilström et al. discloses a similar vacuum cleaner however fails to disclose an intermediate member.

Kilström et al. discloses the bottom wall having a through hole to accept an upright hook portion on the nozzle body to allow for movement of the body between the upper and lower positions (fig. 5, #58). It would have been obvious to one of ordinary skill in the art to determine the most appropriate hook portion location in Kilström et al. to allow for the most effective nozzle body movement between the two positions.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dyson et al..

Dyson et al. discloses a similar vacuum cleaner however fails to disclose an intermediate member.

Dyson et al. discloses the bottom wall having a through hole to accept an upright hook portion on the nozzle body to allow for movement of the body between the upper and lower positions (fig. 5, #110, 110b, col. 6, lines 43-55). It would have been obvious to one of ordinary skill in the art to determine the most appropriate hook portion location in Dyson et al. to allow for the most effective nozzle body movement between the two positions.

10. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dyson et al. as applied to claim 3 above, and further in view of Wegelin et al..

Dyson et al. discloses a similar vacuum cleaner however fails to disclose a biasing member.

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Wegelin et al. discloses a vacuum cleaner with a biasing member for a nozzle body (abstract). It would have been obvious to one of ordinary skill in the art to provide the biasing member of Wegelin et al. in Dyson et al. to force the nozzle body downward to restore and improve nozzle body suction and thereby increase overall cleaning efficient of the cleaner.

11. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyson et al. as applied to claim 1 above, and further in view of Kirkpatrick et al. and Burlington.

Dyson et al. discloses a similar vacuum cleaner however fails to disclose a wiping device with a ball joint.

Kirkpatrick et al. discloses a self-moving cleaner with wiping device (col. 15, line 45-col. 16, lines 63). It would have been obvious to one of ordinary skill in the art to provide the wiping device of Kirkpatrick et al. in Dyson et al. to allow for use on non-carpeted surfaces.

With respect to claims 5-6, Burlington discloses a self-moving vacuum cleaner having a surface treating treatment module mounted to a casing using a ball joint (col. 4 , lines 29-41). It would have been obvious to one of ordinary skill in the art to provide the ball joint of Burlington to the wiping device of Dyson et al. in view of Kirkpatrick et al. to ensure that the device can provide effective coverage of surfaces with varying terrain.

With respect to claim 7, Kirkpatrick et al. discloses a dust fabric with static electricity (col. 16, lines 38-40).

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12. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilström et al. as applied to claim 1 above, and further in view of Kirkpatrick et al. and Burlington.

Kilström et al. discloses a similar vacuum cleaner however fails to disclose a wiping device with a ball joint.

Kirkpatrick et al. discloses a self-moving cleaner with wiping device (col. 15, line 45-col. 16, lines 63). It would have been obvious to one of ordinary skill in the art to provide the wiping device of Kirkpatrick et al. in Kilström et al. to allow for use on non-carpeted surfaces.

With respect to claims 5-6, Burlington discloses a self-moving vacuum cleaner having a surface treating treatment module mounted to a casing using a ball joint (col. 4 , lines 29-41). It would have been obvious to one of ordinary skill in the art to provide the ball joint of Burlington to the wiping device of Kilström et al. in view of Kirkpatrick et al. to ensure that the device can provide effective coverage of surfaces with varying terrain.

With respect to claim 7, Kirkpatrick et al. discloses a dust fabric with static electricity (col. 16, lines 38-40).

Conclusion

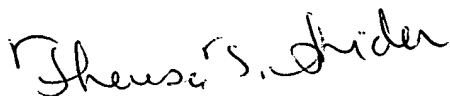
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aasen, Martin et al. and Wosewick et al. disclose self-moving vacuum cleaners with a wiping device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Friday (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Theresa T. Snider
Primary Examiner
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9/19/06